

Remarks

The claims are amended to consolidate claims and remove multiple dependencies. Support for these amendments appears in the specification and claims as originally filed. No new matter is introduced. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

The Examiner has required restriction between Groups I to V as delineated in the Action. Applicants traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, Applicants submit that the inventions are not independent. Applicants submit that the originally filed claims are related in that claims 23, 38 and 39 refer to a product, namely a delivery system. Claims 1-22 and 32-37 relate to a process especially adapted for the manufacture of said delivery system, and claims 29-31 are directed to the use of said delivery system. Applicants submit that no undue burden is placed on the office in searching the system, its manufacture and its use. Applicants therefor respectfully request reconsideration of the restriction and that each of claims 1-39 presently pending in this application be examined.

In order to provide a fully compliant response, Applicants provisionally elect Group II, claims 23 and 29-31 for continued examination, with traverse. Applicants also elect the species: 1 of 2 (a) carrier is a dry xerogel; and 2 of 2 (b) the release is slow and controlled.

In view of the above amendment, Applicants believe the pending application is in condition for examination. The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith

(or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 66188NAT(50964).

Dated: September 14, 2010

Respectfully submitted,

Electronic signature: /Jeffrey D. Hsi/
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